

### **REMARKS**

The Office Action of November 8, 2004 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claim 29 has been amended. Claims 1-48 are pending.

The Reissue declaration is considered defective as failing to contain a statement that all errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. Attached hereto is a revised Reissue declaration providing the appropriate statement. Withdrawal of the rejection over claims 1-47 (sic) based on a defective reissue declaration is requested.

Claims 19-45 stand rejected under 35 USC 112, first paragraph.

In regard to claim 19, the phrase "in a first read operation, the control voltage generator generates a single reference voltage to sense data of the second addressable page, and in a second read operation, the control voltage generator generates only two reference voltages to sense data of the first addressable page" finds support from Figs. 8, 20, 21A, 21B, and 24 and the specification at column 15, line 41, to column 17, line 42. In particular, Fig. 8 shows that the control voltage generator (7a) generates voltage for the word line control circuit (6) which is the voltage necessary to read, write, or erase. Fig. 20 shows applying potential (voltage) b (a single reference voltage) to read the second page. Figs. 21A and 21B show applying potential (voltages) c and a, respectively, (only two reference voltages) to read the first page. See also column 11, lines 5-17, which describes two operations to read page one and a single operation to read page 2. Hence claim 19, and dependent claims 20-22, find support in the instant specification.

In regard to claim 23, the phrase "wherein said at least one control circuit reads one of said first page of data and said second page of data for a first set of said memory cells and then reads the same one of said first page of data and said second page of data for a second set of memory cells" finds support from Figs. 8, 21B and 24 and the description at page 15, lines 12 *et seq.* Fig. 8 shows the control circuit (6) which can read data. Fig. 21B shows how a page is read twice for different levels of memory cells. Hence claim 23, and dependent claims 24-27, find support in the instant specification.

In regard to claim 28, the phrase “wherein said at least one control circuit reads one of said first page, said second page, and said third page of data and then reads the same one of said first page, said second page, and said third page of data for a second set of memory cells” finds support from Figs. 8, 21B, and 24 and the description at column 17, lines 14 *et seq.* Fig. 8 shows the control circuit (6) which can read data. Fig. 21B shows how a page is read twice for different levels of memory cells. Fig. 24 and the description at beginning on page 17 shows how the system can be applied to three or more pages. Hence claim 28 finds support in the instant specification.

In regard to claim 29, the phrase “wherein a potential applied to said word line has a first value for reading one of said first page and said second page of data from memory cells and has no more than two values for reading the other of said first page and said second page of data” finds support from Figs. 8, 20, 21A, and 21B and the specification at column 15, line 41, to column 17, line 42. In particular, Fig. 8 shows that the control voltage generator (7a) generates voltage for the word line control circuit (6) which is the voltage necessary to read, write, or erase. Fig. 20 shows applying potential b (first value) to read the second page. Figs. 21A and 21B show applying potential c and a, respectively, (two values) to read the first page. See also column 11, lines 5-17, which describes two operations to read page one and a single operation to read page 2. Hence claim 29, and dependent claims 30-44, find support in the instant specification.

Claims 29-44 stand rejected under 35 USC 112, second paragraph. Claim 29 has been amended to correct the antecedent basis of “said word line.” Withdrawal of this rejection is requested.

Claims 23-28 stand rejected under 35 USC 102(b) over Shibata (U.S. Patent 6,178,115.) Shibata ‘115 issued on January 23, 2001, based on an application filed in the United States on December 22, 1999. The instant reissue application is based on United States Patent 6,288,935 that was filed in the United States on September 18, 2000 (prior to the issue date of Shibata ‘115.) Hence the rejection under 35 USC 102(b) is improper and should be withdrawn.

### CONCLUSION

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

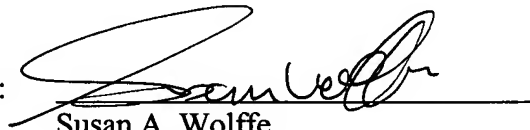
The Commissioner is authorized to debit all fees to our deposit account no. 19-0733, accordingly.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: April 6, 2005

By:

A handwritten signature in black ink, appearing to read "Susan Wolfe", written over a horizontal line.

Susan A. Wolfe

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